

1 JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

2 BRIAN J. STRETCH (CSBN 163973)
3 Chief, Criminal Division

4 JEFFREY B. SCHENK (CASBN 234355)
5 Assistant United States Attorney

6 150 Almaden Boulevard
7 San Jose, California 95113
Telephone: (408) 535-2695
Facsimile: (408) 535-5066
Email: jeffrey.b.schenk@usdoj.gov

8 Attorneys for the United States of America
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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13
14 UNITED STATES OF AMERICA,) No. CR 08-00088-JW
15 Plaintiff,) STIPULATION AND [PROPOSED]
16 v.) ORDER EXCLUDING TIME FROM
17 DAVID LOUIS BEHAR,) APRIL 21, 2008 TO APRIL 29, 2008
18 LINDSAY ROBIN HOGUE,) FROM THE SPEEDY TRIAL ACT
19 TARA BERGSTRAND, and) CALCULATION (18 U.S.C. §
20 a/k/a Brandon Draper,) 3161(h)(8)(A))
Defendants.)
21 _____)

22 On April 21, 2008, the parties are scheduled to appear for a hearing before this Court.

23 The government and all defendants request a short continuance of that hearing to allow defense
24 counsels an opportunity to meet with their respective clients, review a proposed disposition, and
25 properly advise their clients. The parties also request an exclusion of time under the Speedy
26 Trial Act based upon the defense counsel's need to effectively prepare by reviewing materials
27 submitted by the government and properly advise their clients. The parties request that the Court
28 set the matter for a hearing on April 29, 2008 at 3:00 P.M.

The parties stipulate that the time between April 21, 2008 and April 29, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Finally, the parties agree that the ends of justice served by granting the requested continuance outweigh the best interest of the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18 U.S.C. §3161(h)(8)(A).

DATED: April 18, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

/s/
JEFFREY B. SCHENK
Assistant United States Attorney

/s/
PETER LEEMING
Attorney for Mr. Behar

/s/
GEOFFREY BRAUN
Attorney for Ms. Hogue

/s/
MANUEL ARAUJO
Attorney for Ms. Bergstrand

/s/
JERRY FONG
Attorney for Mr. Lagace

ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the hearing currently scheduled for April 21, 2008 should be continued until April 29, 2008 at 3:00 P.M. Furthermore, the Court HEREBY ORDERS that the time between April 21, 2008 and April 29, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED:

JAMES WARE
UNITED STATES DISTRICT JUDGE